

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALCOLM MUHAMMAD,	x	
	:	
Plaintiff,	:	<u>NOTICE OF REMOVAL</u>
	:	
v.	:	
	:	
MELLISSA A. MASTERS, COVENANT	:	Index No.: 22-cv-4666
TRANSPORTATION, INC., ABC	:	
COMPANIES 1 - 10 said names being	:	
fictitious and JOHN DOES 1 - 10 said names	:	
being fictitious,	:	
	:	
Defendants.	:	
	x	

Pursuant to 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b), defendants Mellissa A. Masters and Covenant Transportation, Inc. (“defendants”), by and through its undersigned counsel, hereby removes to the United States District Court for the District of New Jersey the case captioned: Malcolm Muhammad v. Melissa A. Masters et al., which is now pending the Superior Court of New Jersey, Middlesex County, Docket No. MID-L-002974-22, and as grounds for removal states as follows:

I. NATURE OF ACTION

1. This action arises out of an alleged motor vehicle accident that occurred in Piscataway Township, New Jersey on December 24, 2021. See Complaint, attached hereto at Exhibit A.

2. On June 17, 2022, plaintiff filed a Complaint against defendants in the Superior Court of New Jersey, Middlesex County. See Exhibit A.

3. Defendant Melissa M. Masters was served on June 21, 2022.

4. Defendant Covenant Transportation Inc. was served on June 21, 2022.

5. Defendants had no notice of this lawsuit prior to service.

6. Pursuant to 28 U.S.C. § 1446(b)(1), this Notice of Removal is being filed within thirty days of receipt of the Complaint by defendants, *i.e.* July 21, 2022.

7. Pursuant to 28 U.S.C. § 1446(a), all process, pleadings, and orders received by defendants are attached. See Exhibit A

II. THE ADVERSE PARTIES ARE COMPLETELY DIVERSE

8. As stated in plaintiff's Complaint, plaintiff is a citizen of the state of New Jersey, with an address 234 East Camplain Road, Manville, New Jersey. See Exhibit A

9. Defendant Covenant Transportation, Inc. is a Tennessee Corporation and its principal place of business is in Tennessee. A corporation is considered to be a citizen of its state of incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Covenant Transportation, Inc, therefore, is a citizen of Tennessee.

10. Defendant Melissa M. Masters is a citizen of Nevada, with an address of 545 Sellers Place, Henderson, NV 89011.

11. The remaining defendants, John and Janes Does 1-10 and ABC Corporation 1-10, are fictitious entities. Pursuant to 28 U.S.C. § 1441(b)(1), the citizenship of defendants sued under fictitious names shall be disregarded for purposes of removal based on diversity jurisdiction.

12. Therefore, there is complete diversity of citizenship between plaintiff and defendants.

13. 28 U.S.C. § 1441(b)(2) provides that “[a] civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”

III. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000

14. Under 28 U.S.C. § 1332(a), federal jurisdiction based on diversity of citizenship requires that the amount in controversy exceed \$75,000, exclusive of interest and costs.

15. In the Complaint, plaintiff alleges that as a result of this accident he

[S]ustained injuries causing permanent disabilities and permanent loss of bodily function, has been and in the future will be caused to obtain medical treatment for said injuries and to incur the cost thereof, has been and in the future will be disabled and not able to perform his usual functions, has been and in the future will be caused great pain and suffered and has otherwise damages, all to his great loss.

See Exhibit A ¶ 24.

16. Plaintiff, 41 years old at the time, has thus claimed pain and suffering for an alleged permanent disability and permanent loss of bodily function, as well as a claim for an associated past and future economic loss.

17. Plaintiffs' counsel, on July 19, 2022, in an email response to defense counsel, indicated that he would not agree to stipulate that the damages in this matter were less than \$75,000.

18. Although defendants dispute plaintiff's allegations, the amount in controversy is in excess of \$75,000, excluding interest and costs.

WHEREFORE, defendants respectfully requests that the action described herein now pending in the Superior Court of New Jersey, Middlesex County, be removed to this Court.

Respectfully submitted,

BY: /s/ Alexander Marcus
Alexander Marcus, Esq.
LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendants
Mellissa A. Masters and
Covenant Transportation, Inc.

Dated: July 20, 2022

CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I hereby certify that the matter in controversy in this action is not now known to be the subject of any other action pending in any court or of any pending arbitration or administrative proceeding.

Respectfully submitted,

BY: /s/ Alexander Marcus
Alexander Marcus, Esq.
LANDMAN CORSI BALLAINE & FORD P.C.
One Gateway Center, 22nd Floor
Newark, NJ 07102
Attorneys for Defendants
Mellissa A. Masters and
Covenant Transportation, Inc.

Dated: July 20, 2022

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	:	
Defendants.	x	

DECLARATION OF SERVICE

I, Alexander Marcus, of full age, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney with the firm of Landman Corsi Ballaine & Ford P.C., attorneys for defendants Mellissa A. Masters and Covenant Transportation, Inc. (“defendant) in the above matter. On July 20, 2022, I served a copy of defendant’s Notice of Removal with supporting documents via email upon the following:

John Shields, Esq.
Cellino Law LLP
420 Lexington Avenue, Suite 830
New York, New York 10170

I hereby declare under penalty of perjury that the foregoing is true and correct.

BY: /s/ Alexander Marcus
Alex Marcus, Esq.

Dated: July 20, 2022